



IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Warren J. Scherer Examiner: Leslie A. Royds  
Serial No.: 10/626,037 Group Art Unit: 1614  
Confirmation No.: 1255 Docket: 512-160  
Filed: July 23, 2003 Dated: March 9, 2007  
For: Methods of Treating  
Cutaneous Flushing Using  
Selective Alpha-2-  
Adrenergic Receptor  
Agonists

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*I hereby certify this correspondence is being deposited  
with the United States Postal Service as first class mail,  
postpaid in an envelope, addressed to: Commissioner  
for Patents, P.O. Box 1450, Alexandria, Virginia  
22313-1450 on March 9, 2007*

Signature: Deana J. Green

**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES  
REQUIREMENT**

Sir:

In an Office Action mailed September 11, 2006, the examiner has imposed a  
Restriction Requirement to one of the following inventions under the provisions of 35 U.S.C.  
§121:

- Group I. Claims 3-4 and 29-32 drawn to a method for treating cutaneous flushing as it results from rosacea and a method for treating rosacea comprising the administration of an  $\alpha$ 2-adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending upon the agent used.
- Group II. Claims 5-6 drawn to a method for treating cutaneous flushing as it results from menopause-associated hot flashes comprising the administration of an  $\alpha$ 2-adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.
- Group III. Claims 7-8 drawn to a method for treating cutaneous flushing as it results from hot flashes following orchiectomy comprising the administration of an  $\alpha$ 2-adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.

- Group IV. Claims 9-10 drawn to a method for treating cutaneous flushing as it results from ingestion of alcohol, chocolate, spice, flavor-enhancing additives and mono-sodium glutamate comprising the administration of an  $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.
- Group V. Claims 22-25 and 33, drawn to compositions of an  $\alpha 2$ -adrenergic receptor agonist, classified in class 514, subclasses 249 or 315, for example, depending on the agent used.

In response to the Restriction Requirement, applicant elects the claims of Group II (i.e., claims 5-6) without traverse. Applicant reserves the right to pursue the remaining non-elected inventions in divisional applications.

Additionally, the examiner imposed an election of species under the provisions of 35 U.S.C. § 121. The examiner indicated that claims 1-12, 14, 18-19, 22-23, and 25-33 are generic to the following plurality of species:

- (a)  $\alpha 2$ -adrenergic receptor agonist: (i) brimonidine tartrate, (ii) guanabenz, (iii) guanfacine, (iv) alpha-methyl DOPA (methyldopamine), (v) amphetamine, (vi) methylphenidate, (vii) lofexidine, (viii) monoxidine, (ix) dexmedetomidine, (x) mivazerol, or (xi) brimonidine
- (b) Additional agent: (xii) antibacterial agents, (xiii) antihelmintic agents, (xiv) antioxidant agents, (xv) steroidal anti-inflammatory agents, (xvi) non-steroidal anti-inflammatory agents, (xvii) antiangiogenic agents, (xviii) retinoic acid derivatives, (xix) aloe, (xx) compounds that act as sunscreens, (xxi) preservatives, or (xxii) halogens

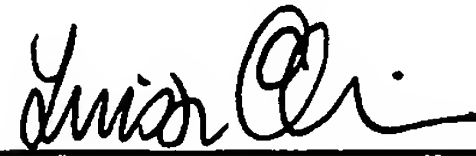
In response to the Election of Species Requirement, applicant elects (i) brimonidine tartrate as the  $\alpha 2$ -adrenergic receptor agonist and (xv) steroidal anti-inflammatory agents as the additional agent without traverse.

Applicant: Warren J. Scherer  
Application Serial No.: 10/626,037  
Filing Date: July 23, 2003  
Docket No.: 512-160  
Page 3 of 3

---

It is now believed that this application is in condition for further consideration and examination. If resolution of any remaining issues are required prior to examination of the application, it is respectfully requested that the examiner contact applicant's attorney at the telephone number provided below.

Respectfully submitted,



---

Linda D. Chin  
Registration No.: 58,205  
Attorney for Applicant

HOFFMANN & BARON, LLP  
6900 Jericho Turnpike  
Syosset, New York 11791  
(516) 822-3550  
LDC/dlg  
229550\_1